

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
May 5, 2015
St. Johns, Arizona**

Present were: Chairman Joe Shirley, Jr., Tom M. White, Jr. and Supervisor Barry Weller. Also present, County Manager/Clerk of the Board, Delwin Wengert and County Attorney Michael Whiting.

Chairman Shirley called to order the Board of Supervisors meeting at 8:31 a.m. in the Board of Supervisors chambers, County Annex Building, 75 West Cleveland Street, St. Johns, Arizona and welcomed all in attendance.

David Yazzie led the Pledge of Allegiance.

Ferrin Crosby gave the invocation.

Chairman Shirley called floor the Library District Items.

Judith Pepple, Library Director, requested approval to close District libraries on Saturday, May 23, 2015 and Saturday, September 5, 2015 due to low demand for library services on these holiday weekends. Mr. Weller moved approval, seconded by Mr. White. Vote was unanimous.

Judith Pepple, Library Director, requested approval of a lease agreement between the Sanders Unified School District #18 and the Apache County Library District, effective July 1, 2015 through June 30, 2016 in the amount of \$300 per month. Mr. White moved approval, seconded by Mr. Weller. Vote was unanimous.

Mr. White motioned to adjourn the Library District meeting, seconded by Mr. Weller. Vote was unanimous.

Chris Sexton, Health Director, requested approval to renew the contracts with Rebecca Rivera, RN, Hollee Simpson, RN, and Shonde Burgess RN to provide clinical services as subcontractors. Mr. White moved approval seconded by Mr. Weller. Vote was unanimous.

Mr. Weller motioned to adjourn the Health District meeting, seconded by Mr. White. Vote was unanimous.

Chairman Shirley called to order the Board of Supervisors meeting and stated item #14 will be placed as the first order of business. Doyel Shamley, Natural Resources Liaison introduced Rob Lever, USFS-Springerville District Fire and Fuels Manager, updated the Board and members of the public on forest conditions, projects beings conducted in our region to protect communities, and upcoming fire-season conditions. No action was needed or taken.

Mr. Wengert requested Item #1 and #2 regarding the Medical Marijuana be removed from the Agenda. Chairman Shirley removed both items for Community Development's items regarding a public hearing on changes to Article 23- Medical Marijuana.

Milton Ollerton, Community Development Director, presented the item for a public hearing adopting the Building Safety Ordinance 2015 to include adopting the following codes:

- Adopt the 2015 IRC (International Residential Code)
- Adopt the 2015 IBC (International Building Code)
- Adopt the 2015 IFGC (International Fuel Gas Code)
- Adopt the 2015 IPC (International Plumbing Code)
- Adopt the 2015 IMC (International Mechanical Code)
- Adopt the 2011 NEC (National Electric Code)
- Adopt the 2015 International Swimming Pool & Spa Code
- Adopt the 2015 Property Maintenance Code

Mr. Ollerton provided an overview of the Building Safety Ordinance and stated the County is currently using the 2003 Building Codes and explained that his Department gets audited periodically and once the code books get 5 years or older, points are deducted from the audit resulting in potential increases in insurance costs for new homes. Mr. Ollerton stated the County's rating went from a 4 to a 10 because we are 12 years behind in the code books and a 10 is the worst rating you can have. Mr. Ollerton stated this resulted in new homes or add-ons insurance rate increasing because the code books are out of date, and last year 49 new homes and 52 building permits for other projects such as remodels, garages and decks were submitted but does not affect existing homes; only new construction. Mr. Ollerton stated Supervisor Weller asked him to hold public meetings and those were held in Concho, Vernon, Greer and Alpine and they found most people are in favor of changing the codes. Mr. Ollerton stated there are citizens who would like a little more time looking through the new codes before the Board adopted them but recommended moving forward with the codes to be effective July 1, 2015 to give folks who are interested, a chance to review these books. Mr. Ollerton stated these new codes have gone through the Planning and Zoning Commission and was approved in a 6-2-1 vote and recommended approval.

Chairman Shirley opened the floor for public comment.

C.J. Fernandes, a resident of Concho, stated he attended the community meeting in Concho and one issue that came up was the valuations per square foot used to determine the permits and they were told at the meeting that the Board would not consider adopting the codes until that was looked into and he asked the Board not to approve the codes since the people at the Concho meeting asked to have time to review, and that should be honored Mr. Ollerton stated he looked at the valuations for new home construction to help determine the new fees and discovered there are varying areas of the county and different quality and types of construction such as in Greer, log homes are built so it will take a month or so to consider the different areas and valuations for an across the board fee schedule.

Mr. White stated it is good to update building codes and the County is utilizing 12 year old codes and it is time to go with new codes. Mr. Weller asked Mr. Ollerton if the codes applied to District I or District II. Mr. Ollerton stated no, he does work with the Navajo Nation and they inspect private properties located inside the Navajo Nation. Mr. Weller stated he is concerned with the timeline in adopting these codes and there is not a great outpouring of citizens here today and he appreciated that Mr. Ollerton went out into the communities and held meetings. Mr. Weller stated he will probably be abstaining from the vote because he is concerned about the fact that we may not have a completely legal zoning map to move forward and some of the conversations held between departments within the County and the County Attorney has not secured his understanding of this issue. Mr. Weller asked Mr. Whiting if there is an official County Zoning Map that has been adopted by the Board so this can move forward. Mr. Whiting stated Mr. Ollerton would know that answer since it is his department. Mr. Ollerton stated he would have to refer that issue back to the County

Attorney's Office; it has been discussed and there is a zoning map on the computer though he is unsure if that meets the requirement, but there is a zoning map. Mr. Weller stated he appreciates that information but with the discussion they have been having, it appears this issue is a moving target and not something controlled by the Board and his understanding is that the Zoning Map must be approved by the Board of Supervisors so the citizens know what they are looking at all the time.

There were no other members of the public wanting to address the Board during the public hearing.

Mr. Weller moved to close the public hearing, seconded by Mr. White. Vote was unanimous.

Milton Ollerton, Community Development Director, requested approval to adopt the Building Safety Ordinance 2015 to include adopting the following codes:

- Adopt the 2015 IRC (International Residential Code)
- Adopt the 2015 IBC (International Building Code)
- Adopt the 2015 IFGC (International Fuel Gas Code)
- Adopt the 2015 IPC (International Plumbing Code)
- Adopt the 2015 IMC (International Mechanical Code)
- Adopt the 2011 NEC (National Electric Code)
- Adopt the 2015 International Swimming Pool & Spa Code
- Adopt the 2015 Property Maintenance Code

Mr. White moved to approve the Building Safety Ordinance as presented, effective July 1, 2015, seconded by Mr. Shirley. Motion passed 2-0-1 with Mr. Weller abstaining and stated he agrees the County needs to stay current with codes and the need to try to help the citizens when possible, but at the same time, didn't want to create problems for the citizens that might be considered due to unintended consequences and he is just concerned with the process such as with zoning map and a few other things.

Milton Ollerton, Community Development presented the public hearing to repeal the Building Safety Ordinance amended 2012 to include repealing the following codes:

- Repeal the 2003 IRC (International Residential Code)
 - Repeal the 2003 IBC (International Building Code)
 - Repeal the 2003 IFGC (International Fuel Gas Code)
 - Repeal the 2003 IPC (International Plumbing Code)
 - Repeal the 2003 IMC (International Mechanical Code)
 - Repeal the Uniform Swimming Pool and Spa Code
 - Repeal the ICC Electrical Code 2003
 - Repeal the 2002 NEC (National Electrical Code)
 - Repeal the 1997 Uniform Code for the Abatement of Dangerous Buildings
- Mr. Weller stated that due to the concern with the process, he will be abstaining from the vote.

There was no one else wanting to address the Board during the public hearing.

Mr. White moved to close the public hearing, seconded by Mr. Weller. Vote was unanimous.

Milton Ollerton presented the request to repeal the Building Safety Ordinance amended 2012 to include repealing the following codes effective July 1, 2015:

- Repeal the 2003 IRC (International Residential Code)
- Repeal the 2003 IBC (International Building Code)
- Repeal the 2003 IFGC (International Fuel Gas Code)
- Repeal the 2003 IPC (International Plumbing Code)
- Repeal the 2003 IMC (International Mechanical Code)
- Repeal the Uniform Swimming Pool and Spa Code
- Repeal the ICC Electrical Code 2003
- Repeal the 2002 NEC (National Electrical Code)
- Repeal the 1997 Uniform Code for the Abatement of Dangerous Buildings

Mr. White moved to repeal the Building Safety Ordinance Code 2012 to be effective July 1, 2015, seconded by Mr. Shirley. Motion passed 2-0-1 with Mr. Weller abstaining.

Mr. Wengert presented the request for approval to transfer the Apache County Franchise Extension currently held by LIVCO Sewer Company to the Concho Wastewater Improvement District. Mr. Wengert stated he received a resolution submitted by both entities requesting this transfer and recommended approval. Jenni Wicks, representing Concho Wastewater Improvement District stated this was the last transfer of everything from LIVCO Sewer to the Water District. Mr. Weller moved approval, seconded by Mr. White. Vote was unanimous.

Mr. Wengert presented **Consent Items A-E** and recommended approval. Mr. Weller moved Approval, seconded by Mr. White. **County Manager/Clerk of the Board: A.** Request approval of demands as distributed to the Apache County Board of Supervisors between April 21, 2015 to May 5, 2015. Demands are payments made or to be made, by the County. Specific details of the demands may be requested through the County public record request process. Payee Amount APACHE COUNTY HSA 2,760.84 APACHE COUNTY MEDICAL 138,228.45 APACHE COUNTY TAX WITHHOLDING 129,159.71 AZ STATE RETIREMENT SYSTEM 89,619.76 COLONIAL LIFE AND ACCIDENT INS 1,296.86 CORRECTIONS OFFICER RET PLAN 8,404.73 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,787.28 NATIONWIDE 1,605.00 PUBLIC SAFETY PERSONNEL 401 10,971.63 PUBLIC SAFETY SHERIFF RET 32,020.00 SECURITY BENEFIT GROUP 1,151.00 SUPPORT PAYMENT CLEARINGHOUSE 2,501.37 ADHS AZ HEALTH CARE COST 22,400.00 ALAN DANA LEWIS PLLC 1,400.00 AVAYA COMMUNICATIONS 1,381.19 AZ BRAKE & CLUTCH SUPPLY 9,024.11 AZ DEPT OF ECONOMIC SECURITY 7,566.32 AZ SUPREME COURT 16,500.00 AZ SUPREME COURT 4,464.00 BAUMAN HOME AND AUTO INC 1,627.30 BRADCO 18,811.00 CONTINUOUS RAINGUTTER SYSTEMS 1,339.00 DELL COMPUTER CORPORATION 2,773.07 DISCOUNT TIRE 1,298.94 ESRI INC 2,975.16 FRONTIER 4,426.30 GALLUP BLUEPRINT 1,459.08 HEINFELD MEECH AND CO PC 12,314.66 HILLYARD INC 1,879.54 INGRAM LIBRARY SERVICES 5,188.86 J & B SALES 2,115.19 LAW OFFICE OF DIRK LEGATE PLLC 8,500.00 LAWSON PRODUCTS INC 2,526.68 NATIONAL BUSINESS FURNITURE 7,072.53 NAVAJO TRIBAL UTILITY AUTHORITY 1,469.45 NAVOPACHE ELECTRIC COOPERATIVE 7,459.82 OVERDRIVE INC 2,157.63 PATTERSON, DANA BRYCE 8,500.00 QUALITY READY MIX INC 7,520.62 QUILL CORP 1,426.52 THOMSON REUTERS WEST 1,636.40 TJP COMMUNICATIONS 1,449.14 UNIVERSAL FLEET CARD 1,203.92 VALLEY AUTO PARTS 1,746.66 WELLS FARGO BANK 0609 1,032.91 WILLIAMS LAW GROUP PLLC 8,500.00 XEROX CORP 1,390.37 APACHE COUNTY TAX WITHHOLDING 1,212.62 AMAZON COM INC 7,839.67 BANK OF THE WEST 1,120.00 BILLS DISCOUNT AUTO PARTS (NAPA) 1,197.13 BRADCO 17,846.87 COOLEY CUSTOMS LLC 1,950.00 FRONTIER 1,746.44 GALL'S INC 1,842.49 INGRAM LIBRARY SERVICES 1,789.50 MASS TRANSCRIPTIONS 1,325.70 MESA ENTERPRISES INC 3,702.05 OFFICE DEPOT 1,288.44 PACIFIC PONDEROSA CO INC 3,916.88 QUALITY READY MIX INC 3,609.90 QUILL CORP 1,492.42 SUPERSTITION SPRINGS MID LLC 137,934.19 THOMSON REUTERS WEST 3,665.64 TJP COMMUNICATIONS 1,350.00 VALLEY AUTO PARTS 2,057.91 VERITAS RESEARCH CONSULTING 2,400.00 VERIZON WIRELESS 3,659.58 WHITE MOUNTAIN HEATING AND COOLING INC 5,287.50 YAVAPAI COUNTY GOVERNMENT 7,850.00

YOUNG, JOSEPH 8,700.00 PATTERSON, RYAN N 1,346.78 GUNNELS, BUTCH 1,707.00 **B.** Approval of minutes dated April 21, 2015. **C.** request approval of a five (5) year contract extension with Pitney Bowes for mail processing equipment in the amount of \$988.61 per month. **D.** Request approval of a Liquor License Application for an Extension of Premises/Patio Permit for John May, Ye Olde Tavern located at 42640 Highway 180, in Alpine, Arizona. This event is for the 17th Annual Worm Races to be held on July 4, 2015. **E.** Request approval of the annual dues for Northern Arizona Council of Governments (NACOG) in the amount of \$10,525.00. Vote was unanimous.

Sheriff Dedman provided an overview of the funding issues facing the sheriff's office. Chief Deputy Sheriff Brannon Eagar provided the Board a breakdown of the employees and the funding sources that are used to cover the salaries and expenditures in the Sheriff's Office. Chief Eagar stated that they will be in a bind to provide services given the budget shortfalls facing the sheriff's office this coming budget year. Mr. White asked about the jurisdiction on the Navajo Reservation with Native Americans. Chief Eagar stated they have no jurisdiction with the Native American people but they have an agreement in place with the Navajo Nation and are an assisting agency to them and the deputies are cross certified so they are chartered to be an assisting organization. Mr. White stated he hosted a National County event the past week and the Sheriff had agreed to send deputies to the event since it was being held in District II and he felt responsible for the people's safety and no one came from the sheriff's office and are very fortunate that there were no injuries but when the sheriff says they are out there protecting lives and the safety of the people, they should be there and he doesn't want to hear excuses as to why they aren't. Mr. White stated over the past few years he has called commanders and officers assigned to the Ganado area and got no response and that concerns him.

Mr. Weller stated he appreciated the overview by the Sheriff's Office and he has questions that he is going to put in written form and submit to the Sheriff, and two areas he is going to be asking for more information; one is an understanding of RICO assisting us in other areas with funding because that is a revenue source that not all counties have off I-40 so that needs to be examined. Mr. Weller stated the other issue pertains to Mr. White's concern of jurisdictional issues and he knows of two other counties that have significant territory shared with the Navajo Nation and he has yet to see how many officers they provide for their Navajo Nation areas to compare and if they are getting any assistance from the Navajo Nation in trying to cover that. Mr. Weller stated he knows everyone is out of money and there is no simple solution so he wants some dialogue to see if the County really wants to continue that cross jurisdictional coverage when there is such funding problems in the Sheriff's Office. No action as needed or taken.

Ferrin Crosby, County Engineer, requested approval of contract addendum and change order with creative multimedia Inc., for parcel maps, signs and rural addressing at a cost of \$80,000. A discussion was held regarding the cost and indirect benefit this provides to several departments within the County such as Recorder and Assessor's Offices. Mr. White asked how far north the rural addressing goes. Mr. Crosby stated to I-40; the Navajo Nation is handled under their rural addressing jurisdiction so this is just for the Southern part of the County. Mr. White asked if the Recorder's Office is included in the project. Mr. Crosby stated yes; the Recorder's Office indirectly benefits from the work done to help correct rural addressing for voters. Recorder Lenora Fulton stated she is pleased with what has been done so far with the project and supports the Board approving the addendum. A discussion was held regarding the cost and Mr. Crosby stated this is funded by District III HURF. Chairman Shirley stated the County needed to be looking into grants to help the County. Mr. White moved approval, seconded by Mr. Weller. Vote was unanimous.

Ferrin Crosby, County Engineer, requested approval of a Pre-disaster Mitigation grant from the State of Arizona, Department of Emergency and Military Affairs, in the amount of \$131,596.08. Mr. Crosby stated the grant requires \$37,345.60 in matching funds and will be used at two creek crossings at

Nutriosio Creek located in Nutriosio and the match is an in-kind match of District III HURF personnel for labor. Mr. White asked Mr. Crosby to look into this type of grant for water crossings in District I & II as well. Mr. Weller moved approval, seconded by Mr. White. Vote was unanimous.

Ferrin Crosby, County Engineer requested approval to abandon 66 feet of right-of-way between parcel 201-15-024 and 201-15-022, also known as the right-of-way between Block 21 and Block 20 of the Sunshine Addition in Concho, Arizona for applicant Gayle Williams. Mr. Crosby also requested authorization to wave the Abandonment Application fee. Mr. Crosby provided an overview of the history of the easement. Mr. Weller asked why there was a request to wave the application fee. Mr. Crosby deferred to Brad Peterson, a representative present on behalf of applicant. Mr. Peterson stated he lives near Concho and is helping Mrs. Williams who is an elderly widow and she is trying to get her property in order to be sold so she can move on to a smaller piece of land and downsize. Mr. Petersen stated some of the work he did was try and do everything needed for the application including speaking with the County Attorneys who informed him that it was appropriate to ask for a waiver since he did all the work and handed it in to the Engineering Department. Mr. Peterson stated Mrs. Williams has a very limited income and that is the reason for the waiver on the fees. Mr. Weller moved approval of the abandonment and waiver of payment, seconded by Mr. White. Vote was unanimous.

The item for an update by Arizona State Forester Jeff Whitney on Arizona State Forestry programs and assets within our region and state, was removed from the agenda.

Ray Trail, A resident of St. Johns, provided some information on the Jude Helm 15 and his concern there are insufficient military personnel to man the exercise and the Chinese and Russians are going to be used in the operation. Mr. Trail stated they will also be hiring actors to provide a realistic environment where riots will be held that could leave citizens vulnerable to entry into their homes and the confiscation of weapons. Mr. Trail stated a County Sheriff has the power to not allow this event to go on in their county and is also concerned the Dine' has no one that has jurisdiction since the sheriff's jurisdiction does not extend onto Navajo land. Mr. Trail stated years ago, Congress granted the president the authority to establish Native American lands by executive order so the Native American lands don't have the same privileges which leaves them vulnerable to this type of operation. Mr. Trail stated he wanted to know if the sheriff was going to allow this event to happen in our county. Chairman Shirley referred the issue to the sheriff and County Manager. Mr. Weller stated there was a Board of Supervisors in Texas that acted on this issue so some counties are looking at this and asked Sheriff Dedman for an update at a future meeting related to this issue. Chairman asked Sheriff Dedman to provide an update to the Board at a future meeting.

There was no one else wanting to address the Board during call to the public.

Mr. White moved to adjourn, seconded by Mr. Weller. Vote was unanimous.

Approved this 19th day of May, 2015.

/s/ Joe Shirley, Jr.
Chairman for the Board

/s/ Delwin Wengert
Clerk of the Board